

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA**

<b>MICHELLE SCOTT</b> <b>Plaintiff,</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	
	)	
	)	
<b>v.</b>	)	<b>Case No.</b>
	)	
<b>LVNV FUNDING LLC</b>	)	
<b>Defendant.</b>	)	
	)	
	)	

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**COMPLAINT**

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**I. INTRODUCTION**

1. This is an action for actual and statutory damages brought by Plaintiff Michelle Scott an individual consumer, against Defendant, LVNV Funding, LLC, for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

**II. JURISDICTION AND VENUE**

2. Jurisdiction of this court arises under 15 U.S.C § 1692k(d) 28 U.S.C 1331. Venue in this District is proper in that the Defendant transacts business in Duluth, Georgia, and the conduct complained of occurred in Duluth, Georgia.

### **III. PARTIES**

3. Plaintiff Michelle Scott (hereinafter “Plaintiff”) is a natural person residing in Duluth, Ga. Plaintiff is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(3).
4. Plaintiff alleged “debt” as defined by the FDCPA, 15 U.S.C 1692a(5) this alleged debt at issue arose from a transaction entered into primarily for personal use.
5. Upon information and belief, LVNV Funding LLC is a South Carolina corporation with its principal place of business located at 55 Beattie Pl, Greenville, SC 29601
6. Defendant is engaged in the collection of debt from consumers using the mail and telephone. Defendant regularly attempts to collect consumers’ debts alleged to be due to another.

### **IV. FACTS OF THE COMPLAINT**

7. Defendant LVNV Funding LLC, (hereinafter referred to as “Debt Collector”) is a “debt collector” as defined by the FDCPA, 15 U.S.C 1692a(6).
8. On or about January 19, 2023, Plaintiff reviewed her credit report on Experian.com.
9. On the credit report, Plaintiff observed a tradeline from Debt Collector.
10. Debt Collector being reported furnished a trade line of \$603.00, allegedly owed to WebBank Fingerhut.

11. On January 19, 2023, Plaintiff made a dispute via telephone.
12. Plaintiff re-checked her consumer report on May 19, 2023, and the debt collector information was not marked disputed. See **Exhibit A**. Defendant has had subsequent communication with the consumer reporting agencies and failed to communicate Plaintiff's dispute.
13. Debt Collector's publishing of such inaccurate and incomplete information has severely damaged the personal and credit reputation of Ms. Scott and caused severe humiliation, emotional distress, mental anguish, and damage to her FICO scores.
14. LVNV Funding LLC violated 15 U.S. Code § 1692e(8) for not communicating that the Plaintiffs disputed the debt.

**V. FIRST CLAIM FOR RELIEF  
(LVNV Funding LLC)  
15 U.S.C 1692e(8)**

15. Ms. Scott re-alleges and reincorporates all previous paragraphs as if fully set out herein.
16. The Debt Collector violated the FDCPA.
17. The Debt Collector's violations include, but are not limited to, the following:
  - (a) The Debt Collector violated 15 U.S.C § 1692e(8) of the FDCPA by failing to disclose to the consumer reporting agencies that the alleged debt was disputed by Ms. Scott.

18. Because Plaintiff disputed the debt, LVNV Funding LLC, when choosing to contact the consumer reporting agencies, was obligated to inform them of the disputed status of the account. See *Dixon v. RJM Acquisitions, L.L.C.*, 640 Fed. Appx. 793 (10th Cir. 2016) (Reversed summary judgment to the collection agency on the consumer's § 1692e(8) claim that after she had disputed a debt, the agency had nevertheless reported the debt without disclosing the disputed. The consumer created a genuine fact issue given that she said during the recorded conversation: "I feel that all I owe is \$20." A reasonable fact finder could treat the statement as a dispute of the alleged \$102.99 debt.); *Sanchez v. Pinnacle Credit Servs., L.L.C.*, 195 F. Supp. 3d 1184 (D. Colo. 2016) (consumer's statements during telephone call that she owed much less than was claimed on phone bill was sufficient); *Llewellyn v. Allstate Home Loans, Inc.*, 711 F.3d 1173 (10th Cir. 2013) ("We agree with the Eighth Circuit's interpretation of § 1692e(8) that a debt collector does not have an affirmative duty to notify [credit reporting agencies] that a consumer disputes the debt unless the debt collector knows of the dispute and elects to report to a CRA.")
19. As a result of the above violations of the FDCPA, Defendant is liable to Ms. Scott actual damages, statutory damages, and costs.

## **VI. JURY DEMAND AND PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Michelle Scott respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against the Debt Collector for:

- A. Judgment for the violations occurred for violating the FDCPA;

- B. Actual damages pursuant to 15 U.S.C 1692k(1)(2);
- C. Statutory damages pursuant to 15 U.S.C 1692k(2);
- D. Cost and reasonable attorney's fees pursuant to 15 U.S.C 1692k(3);
- E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted:

**THE HAWK LEGAL COLLECTIVE**

1020 Piedmont Ave, STE 2113

Atlanta, GA 30309

Phone (404) 439-9310

[Pleadings@thehawklegal.com](mailto:Pleadings@thehawklegal.com)

By: /s/ Naja Hawk

**NAJA HAWK**

**EXHIBIT A**[< Back](#)**LVNV FUNDING LLC**

Report Date: May 19, 2023

**CLOSED****ACCOUNT STATUS**

Closed accounts stay on your credit report for up to 10 years since the date of last activity. Negative information such as late payments or collections, generally stay on your Equifax credit report for up to 7 years from the date of first delinquency.

Details	Payments	Historical
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**Overview**

<b>Account Number</b>	xxxxxxxxxxx 9668	<b>Months Reviewed</b>	5
<b>Account Status</b>	COLLECTION	<b>Activity Designator</b>	
<b>Owner</b>	INDIVIDUAL	<b>Terms Frequency</b>	
<b>Account Type</b>	OTHER	<b>Term Duration</b>	
<b>Creditor Classification</b>	RETAIL	<b>Purchased From</b>	
<b>Loan Type</b>	DEBT_BUYERS_ACCOUNT	<b>Sold To</b>	
<b>Original Creditor Name</b>	WEBBANK FINGERHUT		

**Balance and Amounts**

<b>Balance</b>	\$603
<b>Credit Limit</b>	
<b>High Credit</b>	\$603
<b>Available Credit</b>	

**Account Dates**

<b>Date Opened</b>	Mar 29, 2022
<b>Date Reported</b>	May 02, 2023
<b>Date of Last Activity</b>	
<b>Date of First Delinquency</b>	Aug 2021

**Comments and Contact**

COLLECTION ACCOUNT

For questions regarding this account please contact:

**LVNV FUNDING LLC**  
 55 BEATTIE PLACE  
 GREENVILLE, SC 29601  
 (866) 464-1183